

DELIVERY OF LEGAL SERVICES ADVISORY COUNCIL STATE PLAN AND SELF-EVALUATION

I. INTRODUCTION

This document is prepared not only in response to Legal Services Corporation (LSC) State Planning Program letters, but is intended to serve as a statement of commitment to the delivery of legal services to Idahoans with limited income by all interested parties. This document also serves as a self-evaluation of existing services. In order to maximize our resources, it is imperative that all stakeholders share the same vision in developing and implementing a comprehensive and integrated statewide legal services delivery system in Idaho. The rural nature of our state, the isolation of the poor from available resources and services, and the needs of special populations demand particular care in developing a plan which includes equity in providing legal services to eligible clients throughout the state.

II. HISTORY OF STATE PLANNING

Various ad hoc groups of interested parties have contributed to legal services state planning over the years. In response to an LSC request, an informal committee contributed to the preparation of a state plan in September 1998. That plan was updated in December 1999. These plans included the status of program services and future plans on various issues including intake systems, use of technology, access to the courts by pro se participants, state support, training, private attorney involvement, resource development, and structures of programs providing legal services. Significant progress has been made in most of these areas as a result of the state planning process.

In July 2001, at the request of Idaho Legal Aid Services, Inc. (ILAS) Board and staff, the Delivery of Legal Services Advisory Council (Council) was established as a Standing Committee of the Idaho State Bar and Idaho Law Foundation. The Council has met and acknowledged the extensive activities by its various informal predecessors. The Council is charged with the responsibility described in its mission statement: "To facilitate the development and implementation of a comprehensive, long-term plan for the coordination, delivery, and funding of legal services to low income individuals and groups in Idaho." The Council includes representatives from the Idaho Supreme Court, Idaho State Bar, Idaho Law Foundation/Idaho Volunteer Lawyers Program, Idaho Legal Aid Services, Inc., the Supreme Court's Access to the Courts Committee/Court Assistance Office Project, Idaho Council on Domestic Violence and Victim Assistance, Idaho Legislature, the University of Idaho College of Law, Comprehensive Advocacy, Inc., and the Idaho Partners for Justice Project.

One of the suggested objectives of the Council, in addition to implementing a State Plan, is to function as a catalyst at the state level to seek outcomes designed to significantly improve the delivery of legal services to every client in Idaho. The tasks associated with the Council's objectives are more specifically stated in this document.

III. LEGAL SERVICES ADVOCATES

1. Idaho Legal Aid Services, Inc.

ILAS is a statewide organization providing free civil legal representation to low income Idahoans. Established in 1968, ILAS is a nonprofit 501(3)(3) corporation. The program is the state's primary provider of civil legal representation to low income Idahoans, with seven office locations in Boise, Caldwell, Coeur d'Alene, Idaho Falls, Lewiston, Pocatello, and Twin Falls.

ILAS also provides legal assistance to low income migrant farmworkers and Native Americans through its Migrant Farmworker Law Unit and Indian Law Unit.

ILAS is governed by a 19 member Board of Directors, comprised of 12 attorneys and 7 client representatives. In 2001, 21 staff attorneys provided legal assistance in 3,593 closed cases, assisting 11,684 persons. ILAS, in addition to case work, provides legal education to the community, bar, and other agencies through self-help pamphlets, pro bono workshops, a quarterly newsletter *Hard Times*, and training events for private attorneys.

Domestic violence cases comprise 36% of cases handled by the program. The range of case work on behalf of victims of domestic violence includes representation in protection order hearings, petitions for divorce, custody, and visitation, and child support issues. To ensure that the most needy victims of domestic violence are afforded free legal representation, ILAS works closely with 15 domestic violence shelters throughout the state. The shelters refer most of the battered victims represented by ILAS attorneys. Housing cases make up 20% of ILAS's caseload; 15% are health-related cases; 16% are public benefits; and 13% are consumer and other cases.

ILAS is funded primarily by the Legal Services Corporation, the Idaho Law Foundation IOLTA program, Area Agencies on Aging, United Way, several competitive federal grant awards, tribal contracts, and private donations.

In 1999, ILAS launched a web site to increase access to the legal system for Idaho's low income individuals and families. The web site provides substantive information on family law, housing, government benefits, health, and consumer issues. ILAS's pamphlets, pro se forms, and recent issues of *Hard Times* are available to the public at no cost. The web site address is: www.idaholegalaid.org.

2. Idaho Volunteer Lawyers Program

The mission of the Idaho Volunteer Lawyers Program (IVLP) is to increase the availability of legal services to the state's low income individuals and families by matching those in need with the donated services of volunteer attorneys by providing volunteer attorneys for advice, consultation, and case representation. The program acts as a legal safety net for the poor and helps individuals access the civil legal system. The IVLP is funded by the Idaho Law Foundation, ILAS, United Way of Treasure Valley, and private donations. The IVLP is a program of the Idaho Law Foundation, a 501(c)(3) organization which is the public service arm for Idaho's legal profession.

The IVLP screens applicants for free civil legal assistance for financial eligibility and case-type eligibility. The program accepts cases for persons whose total household income falls at or below 125% of the federal poverty level and for those with cases within program priorities. The program maintains a toll-free statewide number to ensure access for all Idahoans.

In 2001, the IVLP received over 1,200 requests for legal assistance and was able to assist 868 of those applicants. At 56% of the total caseload, family law comprises the highest percentage of cases handled by the program. In 2001, Idaho attorneys and other professionals in the legal field reported donating 7,500 hours to low-income clients through case representation, advice and counsel for selected eligible clients, legal advice clinics for senior citizens and low-income persons at clinics throughout the state, Youth Court programs, pro se workshops to modify divorce or custody decrees or to establish custody, working with nonprofit groups, conducting screening interviews of applicants, and preparing self-help legal forms.

3. Comprehensive Advocacy, Inc.

Comprehensive Advocacy, Inc. (Co-Ad), a nonprofit corporation, is the designated protection and advocacy system for the state of Idaho and receives six federal grants for the provision of advocacy and legal services to individuals with disabilities. The potential client must

have a disability and present an issue that is disability-related and within the scope of a grant's requirements and the agency's priorities. The six grants address investigating abuse, neglect, and other violations of rights in facilities and community placements; violations of rights contained in disability laws; obtaining eligibility for public benefits and services from state and federal agencies; and assisting people with disabilities obtaining federally funded employment services. Co-Ad has three offices to provide services statewide and employs an executive director, four staff attorneys, and eight advocates. Co-Ad is governed by a Board of Directors comprised mainly of consumers and has an Advisory Council for issues relating to mental illness. Co-Ad provides a number of handouts and maintains a web site. For fiscal year 2001, Co-Ad received 3,676 requests for services and approximately 40% of these received some form of casework services other than information and referral. Co-Ad's staff also participate on many community boards and task force committees and spend a large percentage of their time addressing issues by means other than individual client representation. Currently Co-Ad is active in addressing violations of the Americans with Disabilities Act, barriers to community placements and services from state agencies, educational issues, employment issues, and providing public benefits assistance. Although income is not a factor in determining receipt of services from Co-Ad, the majority of individuals receive public benefits and, thus, meet the criteria of being low income.

D. Committee to Increase Access to the Courts/Court Assistance Project

The Idaho Supreme Court's Committee to Increase Access to the Court began planning the Court Assistance Office project (CAO) in 1998. The Committee had become concerned about the increasing numbers of pro se litigants involved in civil matters, a trend which was especially pronounced in family law cases. The Committee conceived of the CAO as a clearinghouse for an

array of consumer information and referral for legal assistance for those seeking access to the courts, particularly in domestic relations cases.

The Access Committee concluded that court assistance offices were an effective and efficient way to provide assistance to self-represented litigants. It further concluded that a regional approach with a least one court assistance officer in each judicial district was optimum for Idaho's diverse geography and dispersed population. Operation of the original pilot offices has been continued and the host counties have begun to participate in their funding. New offices were opened in 2000 in Ada, Canyon, and Twin Falls counties. Also in 2000, satellite offices opened in all of the remaining counties of the Sixth and Seventh Judicial Districts. Since then, new CAO offices have been established in Bonner, Kootenai, Nez Perce, and Cassia counties. As a result, every judicial district in the state will have one or more Court Assistance Offices. Over time, the Committee expects the court assistance officers in each district to extend services into all of the outlying counties in the state.

The 2001 Idaho Legislature enacted IDAHO CODE § 32-1402(5), which established court assistance officers by law as part of a system of coordinated family services in Idaho courts. The Legislature also appropriated funds to support the court assistance offices in each of the seven judicial districts.

In 2001, Idaho Court Assistance Offices served 12,772 people. Sixty-nine percent of these were provided assistance with family law cases. Idaho Court Assistance Office services are not means-tested. However, of those who reported their income (5,173 patrons):

- 54% were below the federal poverty level;
- 64% were below 125% of the federal poverty level;
- 81% were below 187.5% of the federal poverty level;

- Seven percent were above 225% of the federal poverty level;

Court Assistance Officers made 2,870 referrals last year. Of these:

- 42% were to private attorneys;
- 11% were to IVLP;
- 4% were to ILAS;
- 3% were to the Idaho State Bar Modest Means Panel;
- 4% were to mediators; and
- 7% were to the Idaho Law Foundation Legal Resource Line.

E. Idaho Partners for Justice Project

The Idaho Partners for Justice Project (IPJP) is an annual campaign to institutionalize private support of individuals, law firms, corporations, and foundations for ILAS and the IVLP, which, together, provide civil legal services to poor people throughout the state. The IPJP's mission is to ensure equal access to justice in Idaho by increasing the number of legal services and volunteer attorneys to represent those most in need. ILAS and the Idaho Law Foundation provide staff support to this Project.

The IPJP Leadership Committee raised over \$73,000 in 2000 and \$60,000 in 2001 from law firms, corporations, and individual attorneys for victims of domestic violence. These contributions enabled ILAS and the IVLP to assist more than 600 victims of domestic violence each year. Each year, the IPJP is committed to raising funds for victims of domestic violence - to be distributed equally between ILAS and the IVLP.

F. Other Advocates

The University of Idaho College of Law Legal Aid Clinic utilizes law students in providing legal services to low income individuals in communities around the University. The Legal Aid

Clinic also provides representation in Tribal Courts on criminal and juvenile cases. The Clinic also provides services, including appellate work, on immigration cases throughout the state. The Legal Aid Clinic uses ILAS/LSC eligibility guidelines on most of its civil work. The College of Law also places last semester externs in law firms, courts, or agencies in the Boise area. A tax clinic is in its third year at the College. More and more, the Legal Aid Clinic is utilizing mediation in its work.

The Idaho State Bar has established a Modest Means Panel which matches moderate income Idahoans with private attorneys who charge reduced fees.

Both of these programs are represented on the Council.

IV. GUIDING PRINCIPLES

The following are some principles which the interested parties in Idaho aspire towards in implementing a plan for the delivery of legal services to eligible clients.

A. In order to have an effective legal services delivery system in Idaho, all stakeholders must share one vision.

B. All interested parties must share a commitment to the development and implementation of a comprehensive, long-term plan for the coordination, delivery, and funding of legal services to low income Idahoans.

C. Coordinated state planning creates a process that strengthens the communication amongst all stakeholders.

D. Idaho's legal services delivery system must be client-centered requiring the provision of legal services based on clients' needs.

E. All stakeholders are encouraged to provide and seek feedback on specific unmet needs or issues. An open and honest communication process should exist which allows for the evaluation of services being provided.

F. To the extent possible, there should be some geographical equity in providing services to low income persons or groups throughout the state.

G. To the extent possible, all stakeholders should minimize institutional barriers which impede efficiency amongst themselves in order to improve services to clients. There should be no duplication of services.

V. SELF-EVALUATION

A. To what extent has a comprehensive, integrated, client-centered legal services delivery system been achieved in Idaho?

1. Priorities. ILAS conducts a priority setting process every three years through the use of written surveys distributed to clients, former clients, other low income individuals, groups representing the poor, the private bar, the judiciary, ILAS staff and Board, and others. The priority setting process also includes discussions on priorities at ILAS statewide Board and staff meetings. ILAS identifies potential clients' most critical needs and devotes most of its resources to addressing these needs. ILAS's current main priorities are domestic violence, housing, health, and public benefits. ILAS Board and staff annually review these priorities. The IVLP's priorities are those priorities identified in conjunction with ILAS which are found to be the highest priority according to client needs and resource availability. Cases handled by the IVLP include custody and visitation, divorce, hardship bankruptcy/debt collection, child/adult guardianships, immigration, and wills. Co-Ad conducts a priority setting process every year with input from individuals with disabilities and their representatives. Input is provided statewide from focus groups, surveys, client questionnaires, and from disability agencies. Current priorities include addressing abuse and neglect, outreach to diverse minority groups, violations of the Americans with Disabilities Act, addressing barriers to assistive technology, assisting people with obtaining employment services, increasing use of benefits

planning under Social Security, and addressing barriers to community placements. The Council has discussed the need for a legal needs assessment and has concluded that surveys performed by the ABA and other states are sufficient in establishing the need in Idaho.

According to the ABA's 1994 *Comprehensive Legal Needs Study*, the most common legal needs of low and moderate income Americans are personal finances, consumer issues, housing, and family/domestic issues. The *Oregon Legal Needs Survey of Low and Moderate Income Oregonians*, conducted in 1999, produced some of the same results, with the highest needs being housing, public services, family, employment, and consumer cases. Results from other states' needs surveys produced similar results.

Goal: ILAS, the IVLP, Co-Ad, and the CAOs should coordinate their priority setting process to ensure that resources are devoted to clients' most critical needs.

2. Services Provided. Direct legal representation to eligible clients is provided by ILAS staff and IVLP volunteer attorneys. A full range of services is available from ILAS and the IVLP, including counsel and advice, brief services, as well as extended representation. Co-Ad provides information and referral, short term assistance, individual representation in selected cases within the priorities and grant restrictions, outreach to underserved populations, systemic advocacy, and provides several publications on disability rights that are accessible on their web site: users.moscow.com/co-ad. Co-Ad also occasionally provides training in self-advocacy for consumers. The Idaho State Bar also administers a Lawyer Referral Program for the general public as well as a Modest Means Panel for moderate income individuals. The CAO provides referrals to ILAS, the IVLP, and others. The CAO maintains a web site that includes a wide array of pro se forms with an emphasis in family law. The CAO web site can be found at www.state.id.us/cao. ILAS and the IVLP present pro se divorce and divorce modification workshops throughout the state,

some in conjunction with the CAO. ILAS makes its pamphlets and newsletters available through their offices or through their web site at www.idaholegalaid.org. The Idaho Law Foundation also sponsors a toll free Legal Resource Line for limited legal advice and referral.

Goal: Pro se forms in all appropriate areas of the law should be made available directly or through links on the CAO, ILAS, ISB, and Co-Ad web sites. Additional areas of need should be identified and pro se forms developed as needed.

Note: Through a technology grant from the LSC, in 2002 ILAS will be revamping its web site to include interactive communication between ILAS staff and clients.

3. Evaluation and Monitoring. ILAS conducts evaluation and monitoring of its offices and the services provided by ILAS through on-site visits and reporting requirements. ILAS is required to report to the Legal Services Corporation and other funders. The LSC, HUD, U.S. Department of Justice, and other funders conduct periodic reviews of ILAS's provision of services. The ILAS Board of Directors monitors and evaluates services provided by ILAS. Review of IVLP services is conducted through regular communication with volunteer attorneys throughout the course of the case, with written closing communication with the volunteer attorney and client, and in-person or telephonic communication with either attorneys or clients as needed. IVLP also does extensive outcome based evaluations with clients and attorneys on their behalf. The IVLP provides regular training and support for attorneys through in-person CLEs, via teleconference, and/or videotape sessions. The IVLP submits statistical reports to ILAS. The Justice Management Institute of Denver, Colorado evaluated the CAO project in January 2000 following the end of the pilot project. IDAHO CODE § 32-1404 requires an annual evaluation of the CAO project. Co-Ad Reports annually to its federal funding sources and is periodically monitored by these agencies. Co-Ad's Board of Directors also monitors its activities.

Goal: The Council should determine whether current evaluation and monitoring of all legal services being provided by all providers is adequate to ensure that scarce resources are appropriately allocated and efficiently managed so as to result in clients with the most pressing needs being served.

4. Access to Services. Access to services is provided by ILAS throughout its service areas utilizing regular outreach. ILAS local office staff arrange to provide outreach services in surrounding communities. This “circuit riding” is performed on a regular basis and ILAS staff accept both appointments and walk-ins. ILAS has a toll free Domestic Violence Legal Advice line through which victims of domestic violence can receive immediate advice as well as placement with ILAS staff attorneys. The IVLP has a toll free number throughout Idaho for potential clients to contact the program for a referral. The Idaho Law Foundation’s toll free Legal Resource Line is also available statewide for referrals and brief legal advice. The CAO, ILAS, and Co-Ad web sites further provide access to clients who reside away from our office locations. The ILAS web site is accessible in Spanish as well as English. Co-Ad conducts regular outreach to facilities and agencies to provide information on Co-Ad services. The majority of potential clients contact Co-Ad using their toll free number. Co-Ad’s brochures and web site are accessible in Spanish or available in other forms upon request.

There are now Court Assistance Offices in 25 of the 44 county courthouses in Idaho, at which members of the public can be referred to ILAS, IVLP, or others.

Goal: ILAS’s LSC Technology grant will be used to expand services to rural clients. ILAS should seek funding to establish hotline services in other identified areas of the law and work with other providers in delivering these services. Outreach should be increased to minority and rural populations and services expanded by all providers adequately statewide.

5. Technology. ILAS, IVLP, Co-Ad, and the CAO continue to increase their use of technology. The ILAS, CAO, and Co-Ad web sites are good examples of use of technology. Each ILAS staff person has a computer at his/her desk and everyone has Internet and e-mail capabilities. ILAS also subscribes to LoisLaw for legal research. All Co-Ad staff have computers and access to the Internet and Westlaw. With ILAS's LSC Technology grant, ILAS has purchased a computer for each office's reception area which will be available to clients. Clients and others will be assisted in accessing ILAS, CAO, and other related web sites. ILAS and Co-Ad utilize a database computer system to record all service requests.

Goal: ILAS, the IVLP, and the CAO should expand their use of technology to include a centralized intake system, internal communication, and Internet use. Co-Ad, ILAS, and IVLP staff should use technology to share important decisions, legal updates, etc.

6. Special Populations. ILAS serves migrant farmworkers through its Migrant Law Unit and Native Americans through its Indian Law Unit. These units are funded specifically by the LSC. Co-Ad provides services to developmentally and other disabled individuals throughout Idaho regardless of their income. ILAS receives grants from local Area Agencies on Aging (AAAs) to extend services to seniors in areas not traditionally handled by ILAS such as guardianships, wills/probate, trusts, and consumer protection. Services to seniors under AAA grants are provided without any means testing. Under certain grants, Co-Ad is mandated to provide services to under-represented individuals with disabilities. This includes minority populations as well as individuals in facilities or community placements who cannot access Co-Ad's services due to their disabilities. Co-Ad tries to outreach to those it determines have the greatest need.

Goal: ILAS, IVLP, Co-Ad, and the CAOs should collaborate in recruiting private attorneys to provide services to migrants, Native Americans, seniors, and other special populations. The need

for additional representation in specific areas should be identified and included in legal services providers' priorities to the extent possible.

7. Client Involvement. ILAS's 19 member Board of Directors has 7 client members. These client members are appointed by low income community groups throughout the state. These client representatives report back to their appointing organizations on the activities of ILAS. ILAS periodically provides training to its Board members with an emphasis on training to client Board members. Co-Ad is mandated to have a majority of individuals with disabilities or their representatives on its governing and advisory boards. The Council will include consumer advocates from groups that work on behalf of low income persons. There are no programs or efforts to develop leadership in our low income legal services client communities. However, there are other community-based organizations that are developing leadership in the general community.

Goal: The Council should ensure that providers of legal services collaborate with those agencies developing client leadership to ensure that the provision of legal services to low income persons is included in such community trainings. The Council should further ensure that there is meaningful client community involvement in legal services delivery planning.

8. Next Steps. In order to achieve an adequate client-centered, integrated, and comprehensive legal services delivery system, we must increase and diversify our funding base. Resources are woefully inadequate to address the need. The Idaho Partners for Justice Project has been successful in its efforts to a large extent by "putting a face" on the problem. All of our future fundraising efforts must necessarily involve clients and their stories. Services should reflect the informed needs of Idaho's different low income populations.

Goal: (1) The Council should promote a statewide fundraising effort utilizing ILAS and IVLP clients. The Council should also identify other specific goals and prioritize them and determine the necessary steps to achieve increased legal representation to low income persons.

(2) The Council should ensure that interested parties develop and implement a media plan which accomplishes two objectives: (a) educate the public and the Bar on the dire need for resources to maintain basic levels of services, and (b) inform the public about the available services throughout the state by various providers.

9. Obstacles. Lack of funding continues to be the main obstacle in achieving our goal of serving all Idahoans who have critical civil legal needs. ILAS's dependence on LSC grants places ILAS's future at the mercy of politicians and lobbyists in Washington, D.C. Also, the complete lack of state and local government funding for legal services is a major obstacle to reaching our goal. ILAS and the IVLP have had some success in getting United Way and other funds. However, these grants are usually small in size.

Goal: The Council should identify and reduce institutional barriers to enable an increased number of low income individuals to receive legal representation. The Council should also develop and implement a sound approach utilizing the media for seeking and acquiring a state appropriation or filing fee surcharge to fund legal representation of low income persons.

10. Cost Effectiveness. The legal services providers have not conducted a formal and credible benefit-to-cost analysis for creating a comprehensive delivery system.

Goal: The Council should gather cost effectiveness information on services being provided by all providers to determine if improvements are needed. In addition, the Council should conduct a study of the funds that would be required to operate a complete and comprehensive legal services delivery system in Idaho.

11. Resources and Support Needed. As noted above, increased funding for services and additional staff attorneys is a necessity for us to meet our goals. ILAS's staff salaries are inadequate. A loan forgiveness program and an improved retirement plan would assist in attracting and keeping dedicated staff at ILAS. There is also a need to establish a state level advocacy unit to provide support to local staff attorneys and private attorneys. Until 1996, ILAS received a state support grant from the LSC to conduct training, litigation, and other advocacy on a statewide basis. The funding ended when Congress decided that support entities were not needed. There is indeed a great need to maintain state support services to provide services on issues affecting clients throughout the state. Statewide training is also lacking. Legislative advocacy can be performed by ILAS only in limited circumstances. Co-Ad is supported by a national organization that provides training, case assistance, and publications. Co-Ad can provide education and information to the state legislature but is allowed to engage in very limited lobbying activities.

Goal: Seek state or other funding to establish state level legal services support for local attorneys providing direct services on statewide litigation, to provide statewide training, to provide state level legislative and administrative advocacy, and to coordinate statewide litigation. All providers should coordinate and share training and support. Support on legislative issues should also be coordinated by all providers.

B. To what extent have intended outcomes of a comprehensive, integrated client-centered legal services delivery system been achieved including, but not limited to, service effectiveness/quality, efficiency, equity in terms of client access, greater involvement by members of the private bar in the legal lives of clients, and client-community empowerment?

1. Strategies. ILAS, IVLP, Co-Ad, and the CAO use several strategies in addressing client needs. All providers make good use of technology through use of the Internet and their web sites.

With loss of LSC state and national support funding several years ago, there is a need for state level advocacy support which would include not only legal support but also statewide training and co-counseling with local attorneys. The lack of staff attorneys at ILAS continues to be the greatest problem.

Goal: Seek more funding.

2. Expansion of Access. The implementation of ILAS's and the CAO's web sites has expanded access to legal services. ILAS's plan to utilize a client computer in its offices similar to kiosks will further expand this access. This expansion can be quantified by using a hit counter on our web sites and by tracking the use of ILAS client computers. Client computers are available in most CAO offices. In addition, every public library in Idaho has public access computers, at which potential clients can access ILAS, CAO, Co-Ad, and other relevant web sites.

Goal: Increase coordination and collaboration amongst providers through regularized meetings, joint trainings, joint priority setting, and centralized intake. Idaho's legal services delivery system should equitably serve low income populations who may suffer disproportionate treatment such as rural, migrant farmworker, Native American, and our elderly populations.

3. Improved Effectiveness. ILAS, IVLP, Co-Ad, and the CAO maintain case statistical information. From those statistics, which can be reviewed and analyzed, the Council could make recommendations on the effectiveness of the services. ILAS has improved the quality of their services through continued use of case review and other management systems. In addition, ILAS provides staff training twice per year. The IVLP, ILAS, and others provide training to pro bono panelists. Additional training to private attorneys would improve upon the effectiveness of IVLP's services.

Goal: Increase pro bono private attorney training. All providers should collaborate in providing training to private attorneys and in providing joint training to their staff.

4. Geographical Equity. Lack of resources limits our ability to serve potential clients in rural Idaho. As described previously, ILAS's use of outreach improves this access. In addition, use of available hotlines and ILAS, CAO, and Co-Ad web sites expands access to our services. Nevertheless, much more could be done with available resources. The pro se forms available through our web sites are of particular benefit to hard-to-reach clients.

LSC restrictions prohibit us from providing services to certain populations including undocumented persons, incarcerated persons, individuals wanting to challenge welfare reform laws, and individuals in need of legislative advocacy assistance. Except in specific circumstances, these populations cannot be represented by ILAS or the IVLP with LSC funds. There is a need to establish and/or support an entity or attorneys available to provide services to these populations.

A continuing problem is providing services to Spanish-speaking clients. Although ILAS has some Spanish-speaking staff, most offices do not have Spanish speakers and they must depend on community interpreters or other organizations for these purposes.

Goal: (a) make pro se legal forms in all priority civil legal areas available through the ILAS and CAO web sites; (b) support the Idaho Justice Center or groups of attorneys available to assist clients which ILAS and other providers are prohibited from assisting; (c) seek funding to pay expenses associated with interpreters or Spanish-speaking staff. The Council should ensure that Idaho's delivery system is accessible to all geographical regions of the state.

5. Equity in Availability of Services. Through the mechanisms and systems listed above, we believe that there has been an improvement in delivery capacities by providers throughout Idaho. The obvious exception is in small rural communities that are not only far from our offices, but

which have few or no private attorneys. Because Idaho is so rural, the number of these isolated communities is significant and continues to suffer a disproportionate lack of IVLP, ILAS, and other provider services. Our limited outreach and advanced technology are not sufficient to serve these communities.

Goal: Increase funding so as to increase outreach for direct legal representation.

6. Efficiency. As discussed previously, mechanisms and processes can be developed to evaluate the efficiency of services being provided. We believe that there is little to no duplication of services by the various providers. Efficiency can always be improved.

Goal: The Council should adopt a process to enable it to evaluate the need for services, unmet needs, the coordination of referrals, and efficiency of the services provided by ILAS, IVLP, Co-Ad, and the CAO. A centralized intake system may improve efficiency.

7. Private Attorneys. ILAS and the IVLP communicate regularly on the operation of the IVLP. ILAS staff serve on the IVLP's Policy Council. ILAS is represented on the Idaho Law Foundation Board. The Idaho State Bar is represented on the ILAS Board of Directors. From time to time, ILAS, in collaboration with the IVLP, the Idaho Law Foundation, the Idaho State Bar, and others, presents CLEs to private attorneys on poverty law. These CLEs are available at no cost or reduced cost to IVLP panelists. The Idaho State Bar's Modest Means Panel provides another opportunity for private attorneys to assist moderate income clients at a reduced fee.

Not unlike most pro bono programs, one problem that has plagued the IVLP is the lack of volunteer attorneys to meet the demand. This problem causes a bottleneck which results in potential clients having to wait too long or not being served at all. Idaho does not have a pro bono requirement.

Goal: Recommend the establishment of an aspirational Supreme Court pro bono rule.
Expand the recruiting of additional pro bono panelists.

C. Are the best organizational and human resource management configurations and approaches being used?

1. Current Structures/Funding. ILAS is the only LSC-funded legal services program in Idaho. 2001 annual funding is approximately \$2 million as follows: LSC \$1.3 million; HUD, U.S. Department of Justice, STOP, IPJP, other - \$380,000; IOLTA - \$100,000; Area Agencies on Aging - \$70,000; United Ways - \$80,000; Women's shelters - \$90,000. ILAS has seven office locations, a Migrant Farmworker Law Unit, and an Indian Law Unit and serves all of Idaho.

The IVLP's 2001 annual budget was approximately \$200,000. It receives its funding from ILAS - \$36,000; IOLTA - \$80,000; United Way - \$20,000; U.S. Department of Justice - \$20,000 (through ILAS); IPJP - \$25,000; and other - \$39,000. The IVLP has volunteers throughout the state.

Co-Ad is a statewide program. Its annual funding is \$1.1 million. Its funding is for the following: Protection and Advocacy for Individuals with Mental Illness - \$355,000; Protection and Advocacy for Individuals with a Developmental Disability - \$314,000; Protection and Advocacy for Individuals Rights - \$138,000; Protection and Advocacy for Assistive Technology - \$50,000; Protection and Advocacy for Beneficiaries of Social Security - \$125,000; Client Assistance Program - \$118,000.

The CAO project's annual 2001 budget was approximately \$286,000 from the following sources: state general funds - \$117,000; Idaho Department of Health and Welfare - \$69,000; STOP grant - \$45,000; county matching funds - \$55,000.

Goal: (1) The Council should ensure that planning and resource development is done in collaboration with all providers and that each provider operates as a component of Idaho's legal services delivery system.

(2) All providers should be encouraged to hire and retain a diverse staff to the extent possible.

2. Other Entities. When the LSC implemented various restrictions on ILAS's practice, the Idaho Justice Center was incorporated as a 501(c)(3) nonprofit corporation to handle LSC-prohibited work including finishing ILAS class actions which ILAS had to refer. The Center, although still in existence, is essentially inactive due to lack of resources.

On several occasions, discussions have been held between the Idaho Law Foundation and ILAS about merging ILAS and the IVLP. For various reasons, the merger has never occurred. At one time, when Co-Ad's funding was substantially reduced, ILAS and Co-Ad held discussions about a merger. Co-Ad's funding improved and the merger never occurred.

Goal: The main providers should integrate their services as much as possible to increase efficiency and effectiveness.

3. Duplication of Services/Capacities. There is no duplication of services provided by the various providers. Since ILAS, the IVLP, Co-Ad, and the CAO are quite independent and unique programs, each necessarily requires its own accounting and management systems.

Goal: The Council should ensure that no duplication of services exists among the providers.

4. Innovations. ILAS's, the CAO's, and Co-Ad's web sites present ways of providing our services and legal information to more Idahoans. ILAS's "client computer" in each office will allow potential clients to access the Internet and our web sites. The interactivity of ILAS's web site, once

it is completed, will provide further innovative delivery of services. Client computers are now available in most CAO offices.

Goal: The Council should encourage all of the providers to utilize all developing technology which would increase the access and availability of services to the client community.

IDAHO'S STATE PLAN AND SELF-EVALUATION

Date: June 3, 2002

Program Contact:

Ernesto G. Sanchez, Executive Director
Idaho Legal Aid Services, Inc.
P.O. Box 913
Boise, Idaho 83701
(208) 336-8980, ext. 105
egs717@rmci.net